

The Second Division consisted of the regular members and in addition Referee James F. Searce when award was rendered.

Parties to Dispute: (Brotherhood Railway Carmen of the
(United States and Canada, AFL-CIO
(
(Seaboard Coast Line Railroad Company

Dispute: Claim of Employees:

1. That the Seaboard Coast Line Railroad Company violated the controlling agreement when Painter-Helper, R. N. Snipes lost ten (10) days due to suspension improperly imposed on him as a result of investigation held May 28, 1980. The investigation was held at Tampa, Florida.

2. That accordingly, the Seaboard Coast Line Railroad Company be ordered to compensate Painter-Helper, R. N. Snipes, ten (10) days of eight (8) hours each at straight time rate of pay for said violation.

FINDINGS:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

Claimant was classified as a Painter Helper at the Carrier's Uceta Shops at Tampa, Florida; his regularly scheduled work days were Monday-Friday. On April 18, 1980 -- a Friday -- the Claimant was advised to report to the "sandblast facility" on Saturday, April 19, 1980. Claimant failed to do so, but the record indicates he did allege lack of transportation but was advised he would have to arrange some in order to protect his job. On April 23, 1980 the Claimant clocked in late and later that day sought approval to leave work early; he was instructed to obtain permission from his foreman. He failed to do so but, instead, punched out and left. The two elements of alleged failure to follow instructions led to a ten-day suspension from service.

The Organization disputes imposition of the discipline, both in substance and extent. It contends the Claimant was never issued a copy of the current working Agreement or Work Rules which, additionally, were assertedly imposed without being negotiated with the Organization. It was also contended that the Claimant had been permitted off early on previous days to take his wife to the doctor and that, therefore, the Carrier knew of his need.

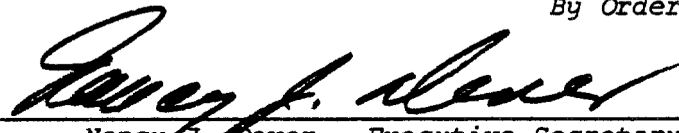
We find no validity for the Organization's defenses to such action. Rule 26 merely informs employees they are not to be absent without permission from proper authority -- a common sense and eminently reasonable directive. And to suggest that a nine-year veteran employee would not be familiar with such requirement is non-credible. His other offenses, arguable minor by themselves, coming as they did in conjunction with an unapproved absence, comprise sufficient cause to support discipline. Under the circumstances, we shall not impose this Board's opinions on that of the Carrier insofar as the extent of such discipline.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 7th day of March, 1984